

Article - Natural Resources

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§3–605.

(a) If the State has qualified as an adjacent coastal state under the federal act, the Governor preliminarily shall determine the State's decision on the pending application, and submit his recommendation to the legislature, under subsection (d) of this section.

(b) The State's decision shall consist of one of the following:

(1) Approval of the application;

(2) Disapproval of the application; or

(3) Conditional approval of the application, under which approval would be granted if the application were amended to remove certain inconsistencies with State programs relating to environmental protection, land and water use, or coastal zone management.

(c) In the preliminary determination of the State's decision, the Governor shall consider factors, including:

(1) Environmental review criteria, including:

(i) The effect on the marine environment;

(ii) The effect on oceanographic currents and wave patterns;

(iii) The effect on alternate uses of the oceans and navigable waters, including scientific study, fishing, and exploration of other living and nonliving resources;

(iv) The effect of land-based developments related to deepwater port development;

(v) The effect on human health and welfare;

(vi) The effect on the State's coastal zone management program under § 301(a) and (b) of the federal Coastal Zone Management Act of 1972; and

(vii) Other considerations the federal Secretary may deem necessary and appropriate;

(2) Economic, social, and cultural impacts;

(3) Impacts on existing and future State and local public facilities and services;

(4) Evidence presented at public hearings held within the State either required under the federal act or conducted by the State;

(5) The findings of any statement prepared under § 14–506 of the Environment Article, and the status of any permit action under Title 14, Subtitle 5 of the Environment Article;

(6) Views of all interested county or local governments; and

(7) Views of the Secretaries of Agriculture, Natural Resources, Transportation, the Environment, and Commerce and the Director of Planning.

(d) (1) Within 30 days after the last public hearing mandated by § 9(b)(1) of the federal act, the Governor shall submit a recommendation for the State's decision to the legislature in the following manner:

(i) If the legislature is convened in regular or special session, the Governor shall submit a recommendation to the legislature for appropriate legislative action.

(ii) If the legislature is not convened in regular or special session, the Governor shall submit a recommendation to the Administrative, Executive, and Legislative Review Committee. Within five days of receipt of the Governor's recommendation and after a public hearing, the Committee shall recommend to the President of the Senate and the Speaker of the House whether the Governor's recommendation should represent the State's decision or whether the legislature should convene in special session to review the Governor's recommendation for appropriate legislative action. However, failure of the Committee to recommend review by the full legislature may not preclude convening of the legislature.

(2) (i) When the full legislature reviews the Governor's recommendation under paragraph (1)(i) or (ii) of this subsection, the legislature, after a public hearing, may take appropriate legislative action to approve, disapprove, or conditionally approve the pending application.

(ii) In order to modify the Governor's recommendation in any way, the legislature shall take action by joint resolution requiring at least three-fifths vote of each house. The joint resolution shall constitute the State's decision on the pending application.

(iii) If the legislature fails to modify the Governor's recommendation by the 44th day after the last public hearing mandated by the federal act, the Governor's recommendation shall constitute the State's decision on the pending application.

(3) The Governor shall send the State's decision to the federal Secretary no later than 45 days after the last public hearing mandated by the federal act.

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